

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

IVAN ANTONYUK, COREY JOHNSON,  
ALFRED TERRILLE, JOSEPH MANN,  
LESLIE LEMAN, and LAWRENCE SLOANE,

Plaintiffs,

v.

KATHLEEN HOCHUL, in her Official Capacity as  
Governor of the State of New York, KEVIN P. BRUEN, in  
his Official Capacity as Superintendent of the New York  
State Police, Judge MATTHEW J. DORAN, in his Official  
Capacity as the Licensing-official of Onondaga County,  
WILLIAM FITZPATRICK, in his Official Capacity as the  
Onondaga County District Attorney, EUGENE CONWAY,  
in his Official Capacity as the Sheriff of Onondaga County,  
JOSEPH CECILE, in his Official Capacity as the Chief of  
Police of Syracuse, P. DAVID SOARES in his Official  
Capacity as the District Attorney of Albany County,  
GREGORY OAKES, In his Official Capacity as the District  
Attorney of Oswego County, DON HILTON, in his Official  
Capacity as the Sheriff of Oswego County, and JOSEPH  
STANZIONE, in his Official Capacity as the District  
Attorney of Greene County,

Defendants.

Civil Action No.: 1:22-cv-986  
(GTS/CFH)

**JURY TRIAL DEMANDED**

**ANSWER TO THE COMPLAINT**

Defendant Joseph Cecile (“Defendant”) as his answer to Plaintiffs’ Ivan Antonyuk, Corey Johnson, Alfred Terrille, Joseph Mann, Leslie Leman, and Lawrence Sloane (collectively, “Plaintiffs”) Complaint (“Complaint”), states as follows:

1. Paragraph “1” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “1” of the Complaint.

**I. PARTIES**

2. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “2” of the Complaint.

3. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “3” of the Complaint.

4. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “4” of the Complaint.

5. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “5” of the Complaint.

6. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “6” of the Complaint.

7. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “7” of the Complaint.

8. Paragraph “8” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “8” of the Complaint.

9. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “9” of the Complaint.

10. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “10” of the Complaint.

11. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “11” of the Complaint.

12. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “12” of the Complaint.

13. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “13” of the Complaint.

14. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “14” of the Complaint.

15. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “15” of the Complaint.

16. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “16” of the Complaint.

17. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “17” of the Complaint.

18. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “18” of the Complaint.

## **II. JURISDICTION AND VENUE**

19. Paragraph “19” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “19” of the Complaint.

20. Paragraph “20” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “20” of the Complaint.

21. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “21” of the Complaint.

22. Paragraph “22” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “22” of the Complaint.

23. Paragraph “23” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “23” of the Complaint.

24. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “24” of the Complaint.

### **III. STATEMENT OF FACTS**

#### **a. The Second Amendment**

25. Paragraph “25” of the Complaint need not be answered because the language of the Second Amendment speaks for itself. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “25” of the Complaint.

26. Paragraph “26” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “26” of the Complaint.

27. Paragraph “27” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “27” of the Complaint.

28. Paragraph “28” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “28” of the Complaint.

29. Paragraph “29” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “29” of the Complaint.

30. Paragraph “30” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “30” of the Complaint.

31. Paragraph “31” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “31” of the Complaint.

32. Paragraph “32” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “32” of the Complaint.

33. Paragraph “33” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “33” of the Complaint.

34. Paragraph “34” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “34” of the Complaint.

35. Paragraph “35” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “35” of the Complaint.

36. Paragraph “36” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “36” of the Complaint.

37. Paragraph “37” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “37” of the Complaint.

38. Paragraph “38” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “38” of the Complaint.

39. Paragraph “39” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “39” of the Complaint.

40. Paragraph “40” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “40” of the Complaint.

41. Paragraph “41” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “41” of the Complaint.

42. Paragraph “42” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “42” of the Complaint.

43. Paragraph “43” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “43” of the Complaint.

44. Paragraph “44” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “44” of the Complaint.

45. Paragraph “45” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “45” of the Complaint.

46. Paragraph “46” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “46” of the Complaint.

**b. New York’s Gun Control Regime**

47. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “47” of the Complaint.

48. Paragraph “48” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “48” of the Complaint.

49. Paragraph “49” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “49” of the Complaint.

50. Paragraph “50” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “50” of the Complaint.

51. Paragraph “51” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “51” of the Complaint.

52. Paragraph “52” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “52” of the Complaint.

53. Paragraph “53” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “53” of the Complaint.

54. Paragraph “54” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “54” of the Complaint.

55. Paragraph “55” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “55” of the Complaint.

56. Paragraph “56” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “56” of the Complaint.



57. Paragraph “57” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “57” of the Complaint.

58. Paragraph “58” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “58” of the Complaint.

59. Paragraph “59” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “59” of the Complaint.

60. Paragraph “60” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “60” of the Complaint.

**c. New York’s Most Recent Unconstitutional Gun Control – the CCIA**

61. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “61” of the Complaint.

62. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “62” of the Complaint.

63. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “63” of the Complaint.

64. Paragraph “64” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “64” of the Complaint.

65. Paragraph “65” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “65” of the Complaint.

66. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “66” of the Complaint.

**i. Good Moral Character**

67. Paragraph “67” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “67” of the Complaint.

68. Paragraph “68” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “68” of the Complaint.

69. Paragraph “69” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “69” of the Complaint.

70. Paragraph “70” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “70” of the Complaint.

71. Paragraph “71” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “71” of the Complaint.

72. Paragraph “72” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “72” of the Complaint.

73. Paragraph “73” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “73” of the Complaint.

74. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “74” of the Complaint.

**i. List of Household Members and Family, In Person Meetings, Social Media, and “Character References.”**

75. Paragraph “75” of the Complaint (including all sub-paragraphs) need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “75” of the Complaint (including all sub-paragraphs).

76. Paragraph “76” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “76” of the Complaint.

77. Paragraph “77” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “77” of the Complaint.

78. Paragraph “78” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “78” of the Complaint.

79. Paragraph “79” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “79” of the Complaint.

80. Paragraph “80” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “80” of the Complaint.

81. Paragraph “81” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “81” of the Complaint.

82. Paragraph “82” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “82” of the Complaint.

83. Paragraph “83” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “83” of the Complaint.

**iii. Sensitive Locations**

84. Paragraph “84” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “84” of the Complaint.

85. Paragraph “85” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “85” of the Complaint.

86. Paragraph “86” of the Complaint (including all sub-paragraphs) need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “86” of the Complaint (including all sub-paragraphs).

87. Paragraph “87” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “87” of the Complaint.

88. Paragraph “88” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “88” of the Complaint.

89. Paragraph “89” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “89” of the Complaint.

90. Paragraph “90” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “90” of the Complaint.

91. Paragraph “91” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “91” of the Complaint.

92. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “92” of the Complaint.

93. Paragraph “93” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “93” of the Complaint.

94. Paragraph “94” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “94” of the Complaint.

95. Paragraph “95” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “95” of the Complaint.

96. Paragraph “96” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “96” of the Complaint.

97. Paragraph “97” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “97” of the Complaint.

98. Paragraph “98” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “98” of the Complaint.

99. Paragraph “99” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “99” of the Complaint.

100. Paragraph “100” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “100” of the Complaint.

101. Paragraph “101” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “101” of the Complaint.

102. Paragraph “102” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “102” of the Complaint.

103. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “103” of the Complaint.

104. Paragraph “104” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “104” of the Complaint.

105. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “105” of the Complaint.

106. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “106” of the Complaint.

107. Paragraph “107” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “107” of the Complaint.

108. Paragraph “108” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “108” of the Complaint.

109. Paragraph “109” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “109” of the Complaint.

110. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “110” of the Complaint.

111. Paragraph “111” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “111” of the Complaint.

112. Paragraph “112” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “112” of the Complaint.

113. Paragraph “113” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “113” of the Complaint.

114. Paragraph “114” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “114” of the Complaint.

115. Paragraph “115” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “115” of the Complaint.



116. Paragraph “116” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “116” of the Complaint.

117. Paragraph “117” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “117” of the Complaint.

118. Paragraph “118” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “118” of the Complaint.

119. Paragraph “119” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “119” of the Complaint.

120. Paragraph “120” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “120” of the Complaint.

121. Paragraph “121” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “121” of the Complaint.

122. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “122” of the Complaint.

123. Paragraph “123” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “123” of the Complaint.

**iv. New York's Second Amendment Tax**

124. Paragraph "124" of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph "124" of the Complaint.

125. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph "125" of the Complaint.

126. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph "126" of the Complaint.

127. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph "127" of the Complaint.

128. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph "128" of the Complaint.

129. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph "129" of the Complaint.

130. Paragraph "130" of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph "130" of the Complaint.

131. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph "131" of the Complaint.

**d. Plaintiff Ivan Antonyuk**

132. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph "132" of the Complaint.

133. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “133” of the Complaint.

134. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “134” of the Complaint.

135. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “135” of the Complaint.

136. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “136” of the Complaint.

137. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “137” of the Complaint.

138. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “138” of the Complaint.

139. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “139” of the Complaint.

140. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “140” of the Complaint.

141. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “141” of the Complaint.

142. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “142” of the Complaint.

143. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “143” of the Complaint.

144. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “144” of the Complaint.

145. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “145” of the Complaint.

146. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “146” of the Complaint.

147. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “147” of the Complaint.

148. Paragraph “148” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “148” of the Complaint.

**d. Plaintiff Corey Johnson.**

149. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “149” of the Complaint.

150. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “150” of the Complaint.

151. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “151” of the Complaint.

152. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “152” of the Complaint.

153. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “153” of the Complaint.

154. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “154” of the Complaint.

155. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “155” of the Complaint.

156. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “156” of the Complaint.

157. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “157” of the Complaint.

158. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “158” of the Complaint.

159. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “159” of the Complaint.

160. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “160” of the Complaint.

161. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “161” of the Complaint.

**e. Plaintiff Alfred Terrille**

162. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “162” of the Complaint.

163. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “163” of the Complaint.

164. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “164” of the Complaint.

165. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “165” of the Complaint.

166. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “166” of the Complaint.

167. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “167” of the Complaint.

168. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “168” of the Complaint.

169. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “169” of the Complaint.

170. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “170” of the Complaint.

171. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “171” of the Complaint.

172. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “172” of the Complaint.

173. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “173” of the Complaint.

174. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “174” of the Complaint.

175. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “175” of the Complaint.

176. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “176” of the Complaint.

177. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “177” of the Complaint.

**f. Plaintiff Pastor Joseph Mann**

178. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “178” of the Complaint.

179. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “179” of the Complaint.

180. Paragraph “180” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “180” of the Complaint.

181. Paragraph “181” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “181” of the Complaint.

182. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “182” of the Complaint.

183. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “183” of the Complaint.

184. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “184” of the Complaint.

185. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “185” of the Complaint.

186. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “186” of the Complaint.

187. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “187” of the Complaint.

188. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “188” of the Complaint.

189. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “189” of the Complaint.

190. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “190” of the Complaint.

191. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “191” of the Complaint.

192. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “192” of the Complaint.

193. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “193” of the Complaint.

194. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “194” of the Complaint.

195. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “195” of the Complaint.

196. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “196” of the Complaint.



197. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “197” of the Complaint.

**g. Plaintiff Leslie Leman.**

198. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “198” of the Complaint.

199. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “199” of the Complaint.

200. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “200” of the Complaint.

201. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “201” of the Complaint.

202. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “202” of the Complaint.

203. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “203” of the Complaint.

204. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “204” of the Complaint.

205. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “205” of the Complaint.

206. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “206” of the Complaint.

207. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “207” of the Complaint.

208. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “208” of the Complaint.

209. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “209” of the Complaint.

210. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “210” of the Complaint.

211. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “211” of the Complaint.

212. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “212” of the Complaint.

213. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “213” of the Complaint.

214. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “214” of the Complaint.

215. Paragraph “215” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “215” of the Complaint.

216. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “216” of the Complaint.

**h. Plaintiff Lawrence Sloane**

217. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “217” of the Complaint.

218. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “218” of the Complaint.

219. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “219” of the Complaint.

220. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “220” of the Complaint.

221. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “221” of the Complaint.

222. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “222” of the Complaint.

223. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “223” of the Complaint.

224. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “224” of the Complaint.

225. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “225” of the Complaint.

226. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “226” of the Complaint.

227. Paragraph “227” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “227” of the Complaint.

228. Paragraph “228” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “228” of the Complaint.

229. Paragraph “229” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “229” of the Complaint.

230. Paragraph “230” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “230” of the Complaint.

231. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “231” of the Complaint.

232. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “232” of the Complaint.

## **COUNT I**

### **U.S. CONST., AMEND. II, 42 U.S.C. § 1983 AGAINST DEFENDANTS**

233. Defendant **REPEATS AND REALLEGES** as if fully set forth herein his responses to the foregoing allegations.

234. Paragraph “234” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “234” of the Complaint.

235. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “235” of the Complaint.

236. Paragraph “236” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “236” of the Complaint.

237. Paragraph “237” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “237” of the Complaint.

238. Paragraph “238” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “238” of the Complaint.

239. Paragraph “239” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “239” of the Complaint.

240. Paragraph “240” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “240” of the Complaint.

241. Paragraph “241” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “241” of the Complaint.

242. Paragraph “242” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “242” of the Complaint.

243. Paragraph “243” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “243” of the Complaint.

244. Paragraph “244” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “244” of the Complaint.

245. Paragraph “245” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “245” of the Complaint.

## **COUNT II**

### **U.S. CONST., AMEND. I, 42 U.S.C. § 1983 AGAINST DEFENDANTS**

246. Defendant **REPEATS AND REALLEGES** as if fully set forth herein his responses to the foregoing allegations.

247. Paragraph “247” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “247” of the Complaint.

248. Paragraph “248” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “248” of the Complaint.

249. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “249” of the Complaint.

250. Paragraph “250” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “250” of the Complaint.

251. Paragraph “251” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “251” of the Complaint.

252. Paragraph “252” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “252” of the Complaint.

253. Paragraph “253” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “253” of the Complaint.

254. Paragraph “254” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “254” of the Complaint.

255. Paragraph “255” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “255” of the Complaint.

### **COUNT III**

#### **U.S. CONST., AMEND. V, 42 U.S.C. § 1983 AGAINST DEFENDANTS**

256. Paragraph “256” of the Complaint need not be answered because the language of the Second Amendment speaks for itself. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “256” of the Complaint.

257. Paragraph “257” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “257” of the Complaint.

258. Paragraph “258” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “258” of the Complaint.

259. Defendant **DENIES KNOWLEDGE OR INFORMATION** sufficient to form a belief about the truth of the allegations contained in Paragraph “259” of the Complaint.

260. Paragraph “260” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “260” of the Complaint.

261. Paragraph “261” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “261” of the Complaint.

262. Paragraph “262” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “262” of the Complaint.

263. Paragraph “263” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “263” of the Complaint.

264. Paragraph “264” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “264” of the Complaint.



265. Paragraph “265” of the Complaint need not be answered because it asserts a legal conclusion. However, to the extent that a response is required, Defendant **DENIES** the truth of the allegations set forth in Paragraph “265” of the Complaint.

**GENERAL DENIAL**

266. Defendant **DENIES** all other allegations not specifically admitted herein.

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE**

267. Any damages alleged to have been sustained by Plaintiffs were caused or contributed to in full or in part by the culpable conduct and/or assumption of the risk of Plaintiffs and not by any culpable conduct on behalf of Defendant.

**AS AND FOR A THIRD AFFIRMATIVE DEFENSE**

268. Plaintiffs have failed to state a claim upon which relief may be granted.

**AS AND FOR A FOURTH AFFIRMATIVE DEFENSE**

269. Plaintiffs’ pleadings are insufficient and not in the form prescribed pursuant to the Federal Rules of Civil Procedure, thus failing to state a claim.

**AS AND FOR A FIFTH AFFIRMATIVE DEFENSE**

270. Some or all of Plaintiffs’ claims are barred by the applicable statute of limitations.

**AS AND FOR A SIXTH AFFIRMATIVE DEFENSE**

271. Some or all of Plaintiffs’ causes of action are barred by their failure to comply with §§50-e, 50-h and 50-i—and generally Article IV—of N.Y. GENERAL MUNICIPAL LAW, and/or Syracuse City Charter § 8-115.

272. Moreover, upon information and belief, not all of Plaintiffs’ claims in his present lawsuit were adequately set forth according to §§50-e, 50-h and 50-i—and generally Article IV—of N.Y. GENERAL MUNICIPAL LAW, and/or Syracuse City Charter § 8-115.

**AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE**

273. To the extent Plaintiffs have failed to mitigate Plaintiffs' damages, Plaintiffs' claims for damages are diminished or barred.

**AS AND FOR AN EIGHTH AFFIRMATIVE DEFENSE**

274. Some or all of the Plaintiffs' claims are barred because Plaintiffs failed to exhaust their administrative remedies and/or meet conditions precedent to the commencement of this action as required by law.

**AS AND FOR A NINTH AFFIRMATIVE DEFENSE**

275. Any and all acts of Defendant and/or any agents or employees of Defendant were reasonable, justified, and in accordance with the law.

**AS AND FOR A TENTH AFFIRMATIVE DEFENSE**

276. Any alleged violation of Plaintiff's U.S. or New York State Constitutional rights were not the proximate cause of Plaintiffs' injuries and/or damages.

**AS AND FOR AN ELEVENTH AFFIRMATIVE DEFENSE**

277. Any and all actions done by Defendant and/or Defendant's agents in arresting, using force, detaining, and searching the alleged criminal subject Plaintiff were done in good faith, with probable cause and without malice.

**AS AND FOR A TWELFTH AFFIRMATIVE DEFENSE**

278. Some of Plaintiffs' claims, in whole or in part, fail based on a lack of personal involvement by a named Defendant in the alleged constitutional violations.

**AS AND FOR A THIRTEENTH AFFIRMATIVE DEFENSE**

279. If Plaintiffs sustained any damages as alleged in the Complaint through any acts or omissions other than those of Plaintiffs, such damages were caused solely by the negligence and/or

culpable conduct of a third person or persons over whom Defendant had no control and without negligence on the part of Defendant.

**AS AND FOR A FOURTEENTH AFFIRMATIVE DEFENSE**

280. At all times relevant to this action, all acts of Defendant and Defendant's agents were justified and in accordance with the discharge of their lawful responsibilities.

**AS AND FOR A FIFTEENTH AFFIRMATIVE DEFENSE**

281. Upon information and belief, the Complaint fails to state specific acts of conduct attributable to Defendant that gives rise to liability pursuant to 42 U.S.C. §1983.

282. Moreover, Plaintiffs do not plead injuries consistent with a cause of action that would give rise to liability pursuant to 42 U.S.C. §1983.

**AS AND FOR A SIXTEENTH AFFIRMATIVE DEFENSE**

283. Plaintiffs' injuries and/or damages, if any, were neither caused by, nor causally related to any act or omission of Defendant.

**AS AND FOR A SEVENTEENTH AFFIRMATIVE DEFENSE**

284. Any and all acts of Defendant and/or any agents or employees of the City of Syracuse are protected by qualified immunity.

**AS AND FOR A EIGHTEENTH AFFIRMATIVE DEFENSE**

285. Any and all acts of Defendant and/or any agents or employees of the City of Syracuse are protected by absolute immunity.

**AS AND FOR A NINETEENTH AFFIRMATIVE DEFENSE**

286. Any and all acts of Defendant and/or any agents or employees of the City of Syracuse are protected by governmental immunity and/or qualified privilege.

**AS AND FOR A TWENTIETH AFFIRMATIVE DEFENSE**

287. Defendant's actions were not motivated by evil motive or intent and were not performed with reckless or callous indifference to Plaintiffs' state and/or federally protected rights, or the general public's rights and safety.

**AS AND FOR A TWENTY-FIRST AFFIRMATIVE DEFENSE**

288. Defendant's actions were not malicious, willful, wanton, reckless, grossly negligent, or extreme and outrageous.

**AS AND FOR A TWENTY-SECOND AFFIRMATIVE DEFENSE**

289. Plaintiffs have failed to name or join a necessary or indispensable party without whom relief may not be granted.

**AS AND FOR A TWENTY-THIRD AFFIRMATIVE DEFENSE**

290. Plaintiffs' action is barred by res judicata and/or collateral estoppel.

**AS AND FOR A TWENTY-FOURTH AFFIRMATIVE DEFENSE**

291. Upon information and belief, Defendant's and/or his agents' actions were in the course of their duties, were justified and in accordance with the law and not for any retaliatory and/or retributive purpose, and so did not violate any U.S. or New York State Constitutional rights of Plaintiff.

**AS AND FOR A TWENTY-FIFTH DEFENSE**

292. Plaintiffs' own negligent and/or culpable conduct was the actual and proximate cause of Plaintiffs alleged injuries and/or damages.

**AS AND FOR A TWENTY-SIXTH AFFIRMATIVE DEFENSE**

293. Plaintiffs' claims are barred to the extent that Plaintiffs' injuries and/or damages were caused or contributed to, in whole or in part, by intervening and superseding causative factors.

**AS AND FOR A TWENTY-SEVENTH AFFIRMATIVE DEFENSE**

294. Some of Plaintiffs' claims, in whole or in part, fail based on a lack of personal involvement by Defendant in the alleged constitutional violations.

**AS AND FOR A TWENTY-EIGHTH AFFIRMATIVE DEFENSE**

295. Upon information and belief, Plaintiffs' allegations supporting their cause(s) of action are directly contradicted and/or are inconsistent with their pleadings in the Complaint.

**AS AND FOR A TWENTY-NINTH AFFIRMATIVE DEFENSE**

296. Upon information and belief, at all relevant times, Defendant and/or Defendant's agents acted in accordance with the constitutional policies, customs and practices of the City of Syracuse Police Department, and in accordance with all local, state, and federal laws, regulations, and constitutions.

**AS AND FOR A THIRTIETH AFFIRMATIVE DEFENSE**

297. Plaintiffs lack standing.

**AS AND FOR A THIRTY-FIRST AFFIRMATIVE DEFENSE**

298. The Court lacks subject matter jurisdiction over the matter.

**AS AND FOR A THIRTY-SECOND AFFIRMATIVE DEFENSE**

299. Service of process was insufficient and/or defective.

**AS AND FOR A THIRTY-THIRD AFFIRMATIVE DEFENSE**

300. Plaintiff's claims are not ripe or are otherwise premature.

**AS AND FOR A THIRTY-FOURTH AFFIRMATIVE DEFENSE**

301. Plaintiff is not the real party in interest

**AS AND FOR A THIRTY-FIFTH AFFIRMATIVE DEFENSE**

302. There is no case or controversy sufficient to justify a declaratory judgment claim.

**AS AND FOR A THIRTY-SIXTH AFFIRMATIVE DEFENSE**

303. Defendant reserves the right to raise additional defenses, which may become known during further investigation and discovery in this case.

WHEREFORE, Defendant demands judgment dismissing the Complaint with costs, disbursements, attorney's fees and for such other and further relief as to the Court may deem just and proper.

Dated: October 13, 2022  
Syracuse, New York

SUSAN R. KATZOFF, ESQ.  
CORPORATION COUNSEL-CITY OF SYRACUSE  
*Counsel for Defendant Joseph Cecile*  
233 East Washington Street  
Syracuse, New York 13202  
Tel No.: (315) 448-8400

By: /s/ Danielle R. Smith  
Danielle R. Smith, Esq.  
Todd Long, Esq.  
Assistant Corporation Counsel

**CERTIFICATE OF SERVICE**

I declare under the penalty of perjury that I served the foregoing Answer by electronically filing with the Clerk of the Court herein, which is understood to have sent notification of such filing electronically to all counsels of record *via* CM/ECF NextGen in N.D.N.Y. for the above captioned case.

Dated: October 13, 2022  
Syracuse, New York

SUSAN R. KATZOFF, ESQ.  
CORPORATION COUNSEL-CITY OF SYRACUSE

By: /s/ Danielle R. Smith  
Danielle R. Smith, Esq.  
Assistant Corporation Counsel  
Bar Roll No. 517775  
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